

Washington State Liquor Control Board  
Licensing & Regulation Division

Complaint Taken By: Jerry Hatch  
Date Complaint Made: 10/17/03  
Complaint Number: 03-6A-037  
Assigned To: Jeanne Reschan

REPORT OF COMPLAINT

PREMISES INVOLVED	Licensee: Evergreen Distributing Co. Inc. Trade Name: Evergreen Distributing Co. Address: 1305 W 17 <sup>th</sup> St. PO Box 61687 Vancouver WA 98666-1687	License No: 357425-6A Phone No: (360) 693-5876 License Class: Beer & Wine Dist.
COMPLAINANT	Name: Phillip A. Block 2015 Thompson Ave Vancouver 98660-1339 Phone No. Day: cell (360) 600-7643 Pager (360) 5716711 Night: Residence (360) 694-7422 Is release of name authorized: No	
NATURE OF COMPLAINT	Date/Time of Alleged Violation: 09/24/03 or 09/25/03 Alleged Violation: Evergreen Distributing has a special deal with Village Vendor No. 2 retail licensee Arlon Elmer. Ten to twelve cases of 22-ounce bottles of Hooper's Hooch was delivered to store. Elmer told complainant "just don't count it" when he was doing inventory in the backroom. Dave from Evergreen Distributing was involved in the deal. (Village Vendor No. 2 liquor license number: 078819).	

Person Involved	Sex	Race	Age	Hgt	Wgt	Hair	Eyes	Involved How
Name:								
Name:								
Name:								
Name:								

AGENT'S SUMMARY/FOLLOW-UP INVESTIGATION

Agents have thirty days from receipt of complaint to investigate and report results to the Agent in Charge

DATE	TIME	
10/23/-03	12:10-PM	I arrived at Village Vendor No. 2 and contacted licensee Elmer. I told him we had received a complaint and requested to review his beer/wine purchase invoices. Elmer asked me what the complaint was about. I told him the store allegedly received product without payment. Elmer said he had a former employee that was filing complaints with several government Agencies. I reviewed purchase invoices and found none for Hooper's Hooch. I found two invoices dated 09/24/03 from Evergreen Distributing. I told Elmer that I was looking for invoices covering the purchase of Hooper's Hooch and found none. He said he didn't drink and was not familiar with product names, although that name sounded familiar. I inspected the store cooler and found nine 22-ounce bottles of Hooper's Hooch Hard Lemonade priced at \$0.99. I asked store clerks which company supplied them with Hooper's Hooch. They said Evergreen Distributing.
10/23/-03	3:00-pm	Arrived at Evergreen Distributing and question licensee Denny Sauer. Sauer said they Did sell Hooper's Hooch to Village Vendor No. 2 as a close out item and Dave handled it. I requested a copy of the invoice from office manager Sam. Sam provided me with a description code print out which listed a cost at \$0.99. Sam said it would take her Some days to find the invoice. Evergreen Distributing was in the process of going out Of business that next week, effective 10/30/03.
10/27/-03		I checked the Board's price posting system and found Evergreen Dist. Hooper's Hooch Hard Lemonade posted prices for months of August, Sept, and Oct at \$17.91 per case, This price came to \$1.49 per bottle.
10/27/-03	1:55-pm	Telephone contact with Mr. Elmer. I asked him if Dave from Evergreen gave free product Or him a deal on Hooper's Hooch. He said no he didn't then said I don't know, then added, Dave might have given a discount, at 99 cents.

Resp to Costco RFP  
1398

<b>DEFENDANT'S EXHIBIT</b>	
CASE NO.	C04-0360P
EXHIBIT NO.	553

		Complaint 03-6A-037 #357425
10/28/-03	AM	Telephone contact with Dave Martin of Evergreen Dist.. I asked him if he had given Hooper's Hooch to Village Vendor No. 2. He said no, sold some. He said his last sale was in September and he sold it for 99 cents a bottle (\$11.88 per case). He said he did not give him (Elmer) any product. I told Martin I still needed a copy of Evergreen's invoice covering the sale.
10/28/-03	4:35-pm	Elmer called me and said Evergreen dropped off a copy of the invoice that day. Elmer said the copy had Phil Block's initials on it. Elmer believed that Block was the complainant. Elmer believed Block must have taken the original invoice when the product was delivered so that Elmer wouldn't have it, and no Block was filing a complaint about it. Elmer said the only item on the invoice was Hooper's Hooch. The invoice was handwritten. Elmer said he remembered Dave had brought in the hard lemonade. There was 15 cases of Hooch invoiced at \$11.88, totaling \$178.20. Elmer said the invoice was marked "paid cash". He said he had left \$180 in cash in the till for Dave to pick up. Elmer did not know when Dave picked up the cash from the till.
		Evergreen Distributing was in violation of selling product to the retailer below cost, and providing the retailer with a quantity discount. The retailer had no proof of purchase for the product, until days after my initial contact, wherein the retailer came up with a handwritten invoice provided by Evergreen. (All other invoices had been computer generated).  No action was taken on Evergreen Distributing because the company went out of business effective 10/31/03.
11/04/-03	8:55-am	Telephone contact with Vancouver enforcement supervisor Jerry Hatch. Advised him of my results. He said his office would contact the involved retailer and issue a verbal warning for failure to have documentation of the purchase as required. Hatch then reported contacting the complainant with the outcome of the investigation.

☐ Unfounded                      ☐ Counseling                      ☐ Undercover Investigation Requested  
☐ Verbal Warning                      ☐ Written Warning                      ☐ Administrative Violation Notice  
Investigation Status                      ☐ Open                      ☒ Closed

Complainant Advised of Results yes      Date 11/04/03 by J. Hatch

If No, Explain Why: \_\_\_\_\_

SIGNATURE OF AGENT/DATE

SIGNATURE OF SUPERVISOR/DATE

Resp to Costco RFP  
1399

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